

In re:)	
)	Case No. 17-14920
Richard McKay Osborne, Jr.)	
Tricia A. Osborne,)	
)	Chapter 7
Debtors.)	
)	Judge Arthur I. Harris
)	
Daniel M. McDermott,)	
United States Trustee,)	
)	
Plaintiff,)	Adv. Proceeding No. 18-01124
vs.)	
)	
Richard McKay Osborne, Jr.)	
Tricia A. Osborne,)	
)	
Defendants.)	
)	

UNITED STATES OF AMERICA)
)
STATE OF OHIO ss:)
)
COUNTY OF CUYAHOGA)

1. I am the Chapter 7 Trustee in the bankruptcy case of Richard McKay Osborne, Jr. and Tricia A. Osborne (“Debtors”), now pending in the United States Bankruptcy Court for the Northern District of Ohio and identified as Case No. 17-14920 on the docket of said court (the “Bankruptcy Case”).

2. I was appointed as Chapter 7 Trustee in the Bankruptcy Case by the United States Trustee for Region 9 on August 21, 2017.

3. On that same day, the meeting of creditors required by §341 of the Bankruptcy Code was scheduled by the Office of the United States Trustee to be conducted by me on September 28, 2017, at 10:00 a.m.

4. On September 28, 2017, I convened the meeting of creditors and conducted my examination of the Debtors.

5. At no time during their examination at the meeting of creditors did either of the Debtors disclose their pre-petition transactions relating to the Object (as defined in the United States Trustee's Complaint) or the "gold blob" (as defined in the Debtors' Motion for Summary Judgment).

6. Nowhere in the Debtors' Schedules or Statement of Affairs is there any reference to the Debtors' pre-petition transactions relating to the Object or "gold blob."

7. I became aware of the Debtors' pre-petition transactions relating to the Object or "gold blob" only when I received an email from Zak Burkons on January 17, 2018, attached to which was a copy of a check payable to Richard Osborne, Jr. from Elemetal Direct USA, LLC in the amount of \$69,553.54. A copy of the email and its attachment is attached to this Affidavit as Exhibit A.

8. The business checking account of Osborne Real Estate Services at Erie Bank ending in 4879 was not disclosed in either the Debtor's schedules or Statement of Affairs and I became aware of the account only after I investigated the disposition of the Elemetal Direct USA, LLC funds.

FURTHER AFFIANT SAYETH NAUGHT.

David O. Simon

SWORN TO BEFORE ME and subscribed in my presence this 5th day of July,

2019.

Notary Public



CHERYL M. SIMON
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 6/16/24

David O. Simon

From: Zak Burkons <burkons@rentduellc.com>
Sent: Wednesday, January 17, 2018 2:18 PM
To: David O. Simon
Subject: Jr. income shielded by Sr.
Attachments: Jr check deposited by Sr.pdf

See attached. This was received via subpoena to Erie Bank.

\$695453.54 payable to RICHARD OSBORNE JR. into the RMO Inc. Account on June 7, 2017. Junior is neither an owner nor signer on the account as I have all the relevant paperwork for this account.

Please contact me with any further questions.

Zak Burkons

Zachary B. Burkons
RENT DUE LLC
1621 Euclid Avenue #408
Cleveland, OH 44115
216-452-0880 x800
burkons@rentduellc.com

THIS CHECK IS VOID WITHOUT A BLUE & GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

Elemetal Direct USA, LLC
12345 Plaza Dr.
Parma, OH 44130-1044

Bank of America
ACH R/T 111000025

201299
32-2/1110 TX 1310

06/06/2017

\$69,553.54

DOLLARS

TO THE ORDER OF **RICHARD OSBORNE JR**

PAY **Sixty-Nine Thousand Five Hundred Fifty-Three AND 54/100 *******

Environmental Resources of Ohio, LLC
7001 Center Street
Mentor, Ohio 44060

Serial:201299 Amount:\$69,553.54 Sequence:8474816030 TR:111000025 TranCode:0 CUID:1140
Date:06-07-2017 TxnNum:28239 PostAcct:0 Pocket:3 Pattern:2866 BOFD TR:31306278 CBATCH:85 xR25F08:22196090